

REMARKS

I. Introduction

This amendment is in response to the non-final Office Action dated January 8, 2009.

Applicants note with appreciation that the Examiner acknowledges that claims 19 and 31 are allowable. Applicants amend these claims to correct typographic errors only, and therefore Applicants submit that the amended claims are also allowable.

The drawings are objected to under 37 CFR 1.83(a) as allegedly failing to show the deflecting roller as described in the specification (Para. 0003-0006), in view of the language of Claim 40.

The Office Action rejected Claim 40 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over Heinz et al., U.S. Patent Application Publication No. 2003/0121729, in view of Takahashi et al., U.S. Patent No. 6,419,605, and in further view of Drabot et al., U.S. Patent Application Publication No. 2003/0051948.

Claims 19, 31, and 40 are amended herein. No new matter is added by the amendments, which are supported throughout the specification and figures. In particular, the amendment to claim 40 is supported at least at paragraphs 0033-0038 of the specification. Claims 19, 31, and 40 are pending.

II. Objections to the Drawings

Applicants submit that the amendment to claim 40 to delete the term “deflecting pulley” and replace it with “a counterweight support roller”, resolves any ambiguity presented by the claim read in light of the specification and figures. Applicants therefore respectfully request that the objection to the figures be withdrawn.

III. Rejections Under 35 U.S.C. 112, Second Paragraph

Applicants have amended claim 40 to respond to the rejection based on 35 U.S.C. 112, second paragraph, and have deleted the term “deflecting pulley” from the claim. Applicants now recite that “at least one of the drive pulley and a counterweight support roller has grooves in its periphery formed complementary to the ribs of the support means”. Applicants submit that antecedent basis for the terms in the amended claim is properly provided, and therefore respectfully request that the rejection of claim 40 be withdrawn.

IV. Rejections Under 35 U.S.C. 103(a)

In order to “establish prima facie obviousness of a claimed invention, ***all claim limitations must be taught or suggested by the prior art.***” (*In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974); emphasis added). Furthermore, “all words in a claim must be considered in judging the patentability of that claim against the prior art.” (*In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970)). According to the Supreme Court, “a patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art,” and it is “important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does.” (*KSR Intern. Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 1741 (2007)).

Claim 40 relates to an elevator installation that includes, among other things, an elevator cage, a drive pulley, and at least one support means formed as a flat belt. The elevator installation of claim 40 also includes:

a drive engine which drives the at least one support means, which carries the elevator cage, by way of the drive pulley, wherein the support means has, at least on a running surface facing the drive pulley, several ribs of wedge-shaped or trapezium-shaped cross-section which extend parallel in a longitudinal direction of the support means and further has several tensile carriers oriented in the longitudinal direction of the support means, the tensile carriers being sized so that ***a total cross-sectional area of all the tensile carriers amounts to at least 25% of a cross-sectional area of the support means, wherein at least one of the drive pulley and a counterweight support roller has grooves in its periphery formed complementary to the ribs of the support means***, wherein the elevator cage is equipped with cage support rollers around which the support means runs in order to support said elevator cage, ***the ribs of the support means being disposed on a side of the support means remote from said cage support rollers***, said elevator cage further having ***guide rollers provided with grooves co-operating with the ribs*** of the support means so as to provide lateral guidance to said support means.

(Emphasis added). The Examiner rejects claim 40 as being unpatentable over Heinz and Takahashi in view of Drabot. Initially, Applicants disagree with the Office Action's conclusions with respect to the obviousness of the cross-sectional area being at least 25% of a cross-sectional area of the support means. The Office Action states that such a feature would be obvious in light of Takahashi's disclosure, but it is not clear that Takahashi discloses a value of 20%, as claimed in the Office Action (page 4, bottom). Applicants respectfully request a citation for this number or a more complete explanation of the calculation performed to reach it, with citations for the underlying data in

Takahashi. Additionally, Applicants submit that a disclosure of 20% does not render a claim of 25% obvious, and that there is no requirement to show the criticality of this particular percentage. Contrary to the Office Action's statement (page 5, top), ***the prior art does not anticipate the claimed range***, even assuming, for the sake of argument, that Takahashi discloses 20%. Applicants further submit that there is no motivation to modify Takahashi in this manner, and therefore the claimed cross-sectional area is not obvious.

Furthermore, the Office Action apparently relies on element 23 of Takahashi as a guide roller, though the reference describes it as a driving pulley (Office Action; page 5, middle). The Office Action apparently suggests that modifying the drive pulley in Takahashi to have grooves would be obvious in view of Heinz (Office Action; page 5, middle). However, Applicants submit that Heinz also does not disclose ***guide rollers having grooves to cooperate with a support means having ribs***, and therefore neither reference discloses or suggests this feature. Additionally, there is no suggestion or motivation to modify guide rollers to have ribs, as claimed. The Office Action asserts that the motivation to combine Heinz and Takahashi is "user comfort and increased uptime" (Office Action; page 5, middle). However, it is not clear that such a combination would provide such a benefit, and therefore Applicants object to the combination for at least this reason.

The Office Action relies on the new prior art reference Drabot as disclosing the cage support rollers, but also discusses the guide rollers of Drabot. However, the Office Action admits that the support means in Drabot do not have ribs. Applicants further submit that the guide rollers in Drabot do not have grooves to cooperate with ribs of a support means, and therefore the addition of Drabot fails to cure the critical deficiency discussed above as regards Heinz and Takahashi. Contrary to the statement in the Office Action, there is no indication in Drabot that the rolling members 32 are providing lateral guidance to the load bearing member 24. Drabot does not show any guide

rollers provided with grooves co-operating with the ribs of a load bearing member (support means). Applicants submit that none of the references disclose guide rollers with grooves. The Examiner states that the combination would be obvious (Office Action; page 5, bottom), and the stated motivation to combine the references is "utility". However, this does not provide a proper reason to make the combination, and therefore Applicants respectfully request that the rejection of claim 40 be withdrawn.

VI. Conclusion

Applicants respectfully request reconsideration of the present application and allowance of all pending claims.

If this communication is filed after the shortened statutory time period has elapsed and no separate Petition is enclosed (or the enclosed Petition is insufficient), the Commissioner of Patents and Trademarks is petitioned, under 37 C.F.R. § 1.136(a), to extend the time for filing a response to the outstanding Office Action by the number of months which will avoid abandonment under 37 C.F.R. § 1.135. The fee under 37 C.F.R. § 1.17 should be charged to our Deposit Account No. 06-2143.

Respectfully submitted,

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